

Ex Parte Presentation

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Report on Technical and Operational)	WT Docket No. 02-46
Wireless E911 Issues)	

To: The Wireless Telecommunications Bureau

ERRATUM AND SUPPLEMENT TO REPLY COMMENTS

Rural Cellular Association (“RCA”)¹, by its attorneys, respectfully submits this Erratum and Supplement to the Reply Comments filed by RCA on December 3, 2002.

In its Reply Comments, at page 4, RCA discussed state and local enhanced 911 reimbursement programs for Commercial Mobile Radio Service (“CMRS”) carriers which were inadequate to enable small wireless carriers to recover their E911 costs. RCA referred to the Michigan program, and RCA stated that \$0.25 of the monthly subscriber surcharge amount goes into a fund for reimbursement of the subscriber’s carrier.² While this is true, RCA wishes to elaborate that the exact amount returned to the carriers is based upon invoices submitted by the carrier to a

1 RCA is an association representing the interests of small and rural wireless licensees providing commercial services to subscribers throughout the nation. Its member companies provide service in more than 135 rural and small metropolitan markets where approximately 14.6 million people reside. RCA was formed in 1993 to address the distinctive issues facing wireless service providers.

2 Michigan 9-1-1 Laws, Compiled from Public Acts 78, 79, 80 & 81 of 1999, Public Act 32 of 1986, Public Act 36 of 1989, Public Act 196 of 1991, Public Act 29 of 1994 and Public Act 247 of 1995, Section 409(1)(a).

subcommittee which reviews E911 expenditures. The program provides that reimbursement of an invoice will not be approved for an expense that exceeds 125% of the amount contributed by the carrier's subscribers, unless the subcommittee issued prior approval of the expenditure. The record on this point stands corrected.

Specifically, Section 410(4)(b) of the Michigan statute regarding E911 provides as follows:

An invoice shall not be approved for payment of either of the following:

- (a) An expense that is not related to complying with the wireless emergency service order and this act.
- (b) An expense that exceeds 125% of the CMRS emergency telephone charges submitted by a CMRS supplier unless the expense was recommended for approval by the subcommittee created in subsection (1) before the expense was incurred.³

This correction does not change the fact that the amount reimbursed to small carriers is short of the cost of E911 implementation. Reimbursement dollars are limited according to the number of fee payments that are contributed to the fund on a per subscriber basis. Small carriers with fewer subscribers receive lower reimbursement amounts than do large carriers, despite a similarity of E911 implementation and maintenance costs.

It also remains true that the reimbursement funds distributed to the small carrier as a result of the monthly contribution of the carrier's subscribers do not cover the carrier's cost of monthly maintenance of its E911 system.

³ Michigan 9-1-1 Laws, Compiled from Public Acts 78, 79, 80 & 81 of 1999, Public Act 32 of 1986, Public Act 36 of 1989, Public Act 196 of 1991, Public Act 29 of 1994 and Public Act 247 of 1995, Section 410(4)(b).

Small, rural carriers continue to struggle to finance E911, even with the aid of reimbursement programs. The financial burden would be mitigated by creation of a source of government funding for E911 in rural areas. RCA encourages the Commission to pursue additional funding sources for rural E911.

Respectfully submitted,

RURAL CELLULAR ASSOCIATION

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December 4, 2002

CERTIFICATE OF SERVICE

I, Daniel Ladmirault, an employee in the law offices of Lukas, Nace, Gutierrez & Sachs, Chartered, do hereby certify that I have on this 4th day of December, 2002, sent by hand-delivery, a copy of the foregoing ERRATUM AND SUPPLEMENT TO REPLY COMMENTS to the following:

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